

EXHIBIT A

AB Litigation Services

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING

Civil Action No. 1:22-CV-00155-KHR

ZOOM 30(b)(6) DEPOSITION OF MO POW 3, LLC, AND
MO POW 4, LLC, BY THOMAS GUEL, AND THOMAS GUEL,
INDIVIDUALLY - November 15, 2023

Plaintiffs:

MO POW 3, LLC AND MO POW 4, LLC,

v.

Defendant:

CRYPTO INFINITI, LLC.

APPEARANCES:

HOLLAND & HART, LLP
By Jeffrey S. Pope, Esq.
2515 Warren Avenue, Suite 450
Cheyenne, Wyoming 82001
Appearing via Zoom on behalf of
Plaintiffs

HATHAWAY & KUNZ, LLP
By Tyler J. Garrett, Esq.
2515 Warren Avenue, Suite 500
Cheyenne, Wyoming 82001
Appearing via Zoom on behalf of
Defendant

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1 Pursuant to Notice and the Federal Rules
 2 of Civil Procedure, the Zoom 30(b)(6) deposition of
 3 MO POW 3, LLC, AND MO POW 4, LLC, BY THOMAS GUEL,
 4 AND THOMAS GUEL, INDIVIDUALLY, called by Defendant,
 5 was taken on Wednesday, November 15, 2023,
 6 commencing at 9:03 a.m., via remote
 7 videoconference, before Lisa A. Dague, Certified
 8 Shorthand Reporter and Notary Public within and for
 9 the State of Colorado.

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I N D E X

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ZOOM 30(b)(6) DEPOSITION OF MO POW 3, LLC, AND
 MO POW 4, LLC, BY THOMAS GUEL, AND THOMAS GUEL,
 INDIVIDUALLY

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EXAMINATION BY:**PAGE**

15

Mr. Garrett**4**

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EXHIBITS**INITIAL
REFERENCE**

18

Exhibit A Master Hosting Agreement
 between MO POW 3 and
 Crypto Infinity, 5/26/22

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Exhibit B Master Hosting Agreement
 between MO POW 4 and
 Crypto Infinity, 5/26/22

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Exhibit J Letter from Jessica
 Vittorio to Jordan
 Collins, 7/22/22

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|----|----------------------|---------------------------|-----------|
| 1 | | | INITIAL |
| 2 | EXHIBITS (continued) | | REFERENCE |
| 3 | Exhibit K | Email from Jordan Collins | 92 |
| 4 | | to Jinwei Zhang, Jessica | |
| 5 | | Vittorio, Gerald Lau, cc | |
| 6 | | Thomas Guel, re Legal | |
| 7 | | Notice: MO POW 3, LLC, | |
| 8 | | 10/12/22 | |
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1 Power, but I -- it's just the name of an SPV.

2 Q Okay. SPV, can you --

3 A Special-purpose vehicle --

4 THE REPORTER: I'm sorry, could you
5 repeat that?

6 A I believe the answer to your question is
7 Missouri Power 3.

8 Q (BY MR. GARRETT) Okay But the SPV,
9 could you clarify that? I think we were talking
10 over each other on that colloquy.

11 A It was a one site -- special-purpose
12 vehicle to operate one site.

13 Q I see. So each entity was created, that
14 is MO POW 1 through 4, each was created for one
15 single purpose, to operate one sole site each; is
16 that correct?

17 A Correct.

18 Q What is your professional experience in
19 the crypto industry?

20 A We've run a number of sites for a period
21 of time.

22 Q But you specifically. I want to know
23 your background and experience in the crypto
24 industry.

25 A I just told you. I've run a couple of

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1 data centers for that for a couple of years.

2 Q Okay. And let's go through those. Are
3 you referring to MO POW 1 through 4?

4 A Those would be included, yes.

5 Q What others?

6 A There's a site in Texas.

7 Q And what's that one called and what
8 entity runs that?

9 A It is unrelated to MO POW 3 and 4.

10 Q Okay. But could you answer my question,
11 please?

12 A I believe that's owned by Amalgamated.

13 Q So other than MO POW -- or MO POW 1
14 through 4 and the Texas site, that consists of your
15 experience in the crypto industry?

16 A Correct.

17 Q Would it be fair to say you don't have
18 much experience in the crypto industry?

19 A I don't think that's fair to say.

20 Q All right. Tell me why.

21 A You've got multiple -- multiple examples
22 of experience that you just mentioned.

23 Q You tell me. Let's go through them.

24 A I just told you. You've got multiple
25 LLCs for a number of years operating in the space.

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1 Q Let's kind of be specific about that,
2 because I really want to know your experience.

3 A I just told you my experience. We've run
4 crypto sites for a couple of years.

5 Q And that being five sites?

6 A And that being a number of sites.

7 Q Is it fair to say five sites?

8 A No.

9 Q Okay. Where am I off? Because I only am
10 understanding MO POW 1 through 4, plus the Texas
11 site. What else am I missing?

12 A MO POW 3 and 4 never turned on because of
13 breaches from Crypto.

14 Q But MO POW 1 and 2, how long did they
15 run?

16 A About a year.

17 Q And then they closed down?

18 A Correct.

19 Q Is the Texas site up and running?

20 A Yes.

21 Q And then you said that the MO POW 3 and 4
22 sites, they are no longer running, is that
23 correct -- or never started to run; is that right?

24 A Correct.

25 Q Just to be clear, you're saying that the

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1 MO POW 3 site never ran?

2 A Correct.

3 Q And just to be clear, you're saying the

4 MO POW 4 site never ran?

5 A Correct.

6 Q So there's no other clients at either of

7 those sites?

8 A No. There's -- there is a client on the

9 Strafford site still.

10 Q And that's still running? Because I'm
11 confused here. You said that it was never running.

12 And the Strafford site, to be clear for the record,
13 is the MO POW 4 site; is that correct?

14 A Correct.

15 Q Okay. So let's talk about that site
16 specifically, the Strafford site. Is it up and
17 running, has it ever been up and running, is it
18 currently up and running? Can you please provide
19 specific detail.

20 A It is currently up and running.

21 Q Okay. How many clients are there?

22 A One.

23 Q Okay. So as of now, basically you have
24 sites that have been running or have run for at
25 least maybe one or two years, but that's about it,

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1 right?

2 A Correct.

3 Q And that captures your experience in the
4 crypto industry? Just trying --

5 A Correct.

6 Q -- to close the loop. Sorry, I didn't
7 mean to speak -- continue speaking. So was that
8 correct?

9 A Correct.

10 Q All right. So we're going to turn to MO
11 POW 3. So at this point, I'm going to be asking
12 you a line of questions in your representative
13 capacity for that entity. When was MO POW 3
14 formed?

15 A It was early 2023. I don't recall the
16 date right off the top of my head.

17 Q Who formed it?

18 A 2022, sorry.

19 Q Okay. So for the record, just go ahead
20 and state when it was formed.

21 A It was formed early 2022.

22 Q Who formed MO POW 3?

23 A I believe -- I don't know the answer off
24 the top of my head.

25 Q Where is MO POW 3 based?

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1 ahead.

2 A Do you want to be more specific?

3 Q (BY MR. GARRETT) No.

4 A Are you asking me -- what exactly are you
5 asking me?

6 Q What was the status of the site?

7 A The status being what? Was it a sunny
8 day? I mean, are we talking about what?

9 Q Was it built out?

10 A No.

11 Q Had anything been done to the site at the
12 time that MO POW 3 entered into the contract with
13 Crypto Infiniti?

14 A I believe we had a lease secured with
15 city utilities. I believe we had portions, if not
16 all, of our tariff executed, and that would be at
17 the time of execution.

18 Q And just to make clear, there was no
19 physical work that had been done at that point?

20 A No.

21 Q No, as in, no, there was not any physical
22 development at that point?

23 A That's correct.

24 Q What was the status of the site as of
25 July 19th, 2022, when the initial complaint was

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1 filed by MO POW 3?

2 MR. POPE: Object to form. Vague.

3 Go ahead, Mr. Guel.

4 A Substantially the same.

5 Q (BY MR. GARRETT) Meaning there was no
6 physical development of the site at that time?

7 A That's correct.

8 Q What was the status of the site as of
9 August 8th, 2022, when the amended complaint was
10 filed by MO POW 3?

11 A No change.

12 Q What's the current status of the site?

13 A The same.

14 Q So no development, nothing like that; is
15 that fair?

16 A Correct.

17 Q Do you still have possession or control
18 over that site? And by "you," I mean MO POW 3.

19 A No.

20 Q So the lease has been terminated?

21 A Correct.

22 Q Do you know who now occupies or possesses
23 that property?

24 A I do not.

25 Q When you were negotiating this

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1 contract -- and by "you," again, I mean MO POW 3,
2 since you're the representative -- why couldn't MO
3 POW's site at 400 North Main, Springfield,
4 Missouri, provide the full 35 megawatts to Crypto
5 Infiniti's needs?

6 A There wasn't enough power available at
7 that substation.

8 Q Let's turn now to the funds that were
9 paid by Crypto Infiniti to MO POW 3. Those funds
10 totaled \$4,135,250; is that correct?

11 A Correct.

12 Q What did MO POW 3 do with that money?

13 A MO POW 3 purchased five mobile data
14 centers, along with the corresponding transformers.
15 It purchased concrete pads for them to sit on, as
16 well as some other electrical components to connect
17 everything, and poles.

18 Q And did that deplete -- that work, did
19 that deplete the \$4,135,250?

20 A No.

21 Q How much did that work that you just
22 summarized cost?

23 A The exact number, I would have to check,
24 but it was over \$2 million.

25 Q So there is a remaining balance still in

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1 MO POW 3's account?

2 A No.

3 Q Where did the money go? Where did the
4 remainder of the money go?

5 A The money was used for general corporate
6 purposes.

7 Q Let's dig into that. What do you mean by
8 "general corporate purposes"?

9 A I don't have an exact detailed list of
10 how that money was spent.

11 Q Do you have any type of financial records
12 that would show how that money was spent?

13 A I do not have them here to check for you
14 now.

15 Q But do you have them, I guess, I'm
16 asking?

17 A We should have accounting for that, yes.

18 Q Okay. We've asked for such documents. I
19 think they are relevant. We have not received such
20 documents. I guess, have you provided such
21 documents to your counsel to be produced?

22 A I do not know.

23 Q Why don't we take a second. It's
24 important to know the details as to how this money
25 was spent by MO POW 3. Are you able to access

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1 topic.

2 There's an allegation in MO POW 3's
3 complaint that says, Millions invested in the
4 project by Crypto Infiniti went to waste or would
5 go to waste. Did millions invested in the project
6 by MO POW 3 go to waste?

7 A I would think, yes.

8 Q How so? Can you explain that?

9 A I would need to review the files to be
10 able to answer that question. What exactly are you
11 looking for?

12 Q I don't know. That was the allegation
13 that MO POW put in the pleading, so I'm just asking
14 you about the facts.

15 A So what exactly is the question?

16 Q The question is did millions invested in
17 the project by MO POW 3 go to waste?

18 A Well, yes.

19 Q How so?

20 A Well, equipment was purchased, wasn't
21 able to be used. We lost the site over their
22 breach and inability to move forward.

23 Q Were any of the materials able to be
24 repurposed? Are you using that equipment for
25 somewhere else?

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1 A They were sold at a loss, big loss.

2 Q Can you be specific on that?

3 A I think -- not with actual numbers here
4 right now.

5 Q Okay. So I'm going to ask again --

6 A It was a loss.

7 Q I'm going to ask again. You obviously
8 have records, you just said you do, on this
9 subject. We have not received those documents. Of
10 course, as Jeff noted, we have an additional
11 interrogatory that captures those documents, so I
12 suspect we'll be receiving those.

13 Have you been able to provide those
14 records to your counsel at this point?

15 MR. POPE: Before you answer that,
16 Mr. Guel, Counsel, are you referring to documents
17 about the sale of the equipment?

18 MR. GARRETT: Uh-huh.

19 MR. POPE: Mr. Guel, you can answer that
20 question. I'll represent to you, Mr. Garrett, that
21 that isn't what the interrogatory called for. And
22 importantly, the portion of the complaint that
23 you're referencing is the introduction, not one of
24 the numbered allegations.

25 So with that on the record, go ahead,

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1 continue on so we don't waste all day here if
2 that's possible. We can get the answer for that.
3 I just need to double-check. Let's push forward.
4 At the next break, I'll find out; is that fair?

5 Q Yeah, that's fair. We're going to
6 approach the lunch hour anyhow, so that will be a
7 good time to do it.

8 Aside from the project with Crypto
9 Infiniti at the site at 5501 East Farm Road 112,
10 Strafford, Missouri, what other projects was MO POW
11 4 involved in?

12 A None.

13 Q Did MO POW 4 actually provide any hosting
14 services to Crypto Infiniti as set forth in the
15 master hosting services agreement?

16 A No.

17 Q Let's talk about the MO POW 4 site, and
18 that one is at 5501 East Farm Road 112, Strafford,
19 Missouri. What was the status of the site when the
20 contract was entered into with Crypto Infiniti?
21 And by "status," I mean -- I think we all know what
22 I mean at this point -- the physical development of
23 the site for hosting services.

24 A As it relates to Crypto Infiniti?

25 Q Correct.

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1 A It had not been built out.

2 Q What was the status of the site as of
3 July 19, 2022, when the initial complaint was
4 filed?

5 A Same status.

6 Q Okay. And just one follow-up question on
7 that. Status of the site as of August 8, 2022,
8 when the amended complaint was filed?

9 A Same status.

10 Q And what's the current status of the site
11 now?

12 A Same status.

13 Q So nothing has been developed there at
14 all? Nothing is there?

15 A What exactly are you asking with your
16 question?

17 Q I'm just asking is there anything at the
18 site currently with respect to the services that
19 you were going to provide Crypto Infiniti?

20 A No.

21 Q Is this the site where -- do you still
22 retain control and possession over this site?

23 A The Epoch tower of companies does not.

24 Q Okay. So help me out there. Because MO
25 POW 4 is owned by Epoch companies, Epoch companies

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1 Q So obviously, I guess, once they were
2 hooked up, were you willing to give that
3 information?

4 A I believe the contract was explicit on
5 what information that they have access to. And as
6 far as it relates to what we had as a discussion on
7 May 16th, 2022, I don't recall exactly the detail
8 of the conversation as it related to what may have
9 changed during negotiations, right? If you want to
10 ask more specifically, I could try to give you a
11 better answer.

12 Q On May 16th, 2022, did you tell the MO
13 POW 3 -- sorry. Let me back up and ask a better
14 question. I apologize.

15 On May 16th, 2022, did you tell the
16 Crypto Infiniti representative that MO POW 3 and MO
17 POW 4 would manage the EZB containers in a way to
18 avoid overheating issues?

19 A It is -- no, I never told them. If the
20 question you're asking me is if I told Crypto
21 Infiniti that we would manage a site where there
22 would never be an overheating issue, the answer is
23 no.

24 Q During the site visits on May 16th, 2022,
25 did you represent to the Crypto Infiniti

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1 the current lawsuit; is that your understanding?

2 A I thought it was the 18th, but I could be
3 off by a day.

4 Q But it wasn't until October 12th, 2022,
5 that MO POW 3 confirmed the shipping address for
6 Crypto Infiniti to ship its digital currency
7 equipment, correct?

8 A I'm not sure. I don't know. What date
9 are you claiming? I don't know off the top of my
10 head.

11 Q October 12th.

12 A October 12th. Yes, that appears to be
13 accurate. We sent them notice on the 12th.

14 Q Bear with me one moment. Okay. I'm
15 going to share my screen again. And for the
16 record, this is Exhibit K. This is the October
17 12th communication from Jordan Collins, MO POW 3's
18 representative, to Crypto Infiniti representatives
19 confirming the shipping address that had been
20 requested earlier in July by Crypto Infiniti.

21 But as you see here, confusingly,
22 Mr. Collins states that MO POW 3, the receiving
23 equipment address, is 5501 East Farm Road 11,
24 Strafford, Missouri, which is completely different
25 than what you just testified to as to the contract

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1 for MO POW 3. So how do you explain that?

2 A I explain that simply by, in October, on
3 October 12th, it would have been more convenient
4 for MO POW 3 to receive equipment at the Strafford
5 site since we would be moving quickly to build and
6 finish the Main and Phelps site, 400 North Main.

7 Q But, Mr. Guel, in July, July 22nd, 2022,
8 to be specific, Crypto Infiniti requested the
9 shipping information so that it could ship its
10 equipment. And you testified, "Well, that's easy.
11 It's in MO POW 3's contract." But that contract
12 states 400 North Main, Springfield. And not until
13 months after did MO POW 3 finally confirm where to
14 receive shipping equipment, and it was a different
15 address. It was 5501 East Farm Road, Strafford,
16 Missouri. So, again, how do you explain that?

17 A I just explained that. On October 12th,
18 when we gave notice to ship the equipment, even
19 though it could have been received as written in
20 the contract, we elected to have it go to 5501 East
21 Farm Road so that it would be securely stored, out
22 of the way. It did not mean it could not have been
23 received at 400 North Main. But at that date, we
24 made a decision to store it at the other site while
25 we finished connecting everything.

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1 additional questions to clarify and make sure in a
2 general way that we know how the funds were spent.
3 I know that we've discussed some questions on the
4 topic generally, and, Mr. Guel, thank you for
5 providing those answers.

6 Q (BY MR. GARRETT) So just to kind of
7 close the loop on those questions, I guess,
8 initially I had asked you how were the funds spent
9 by MO POW 3 -- and I'll back up for a second. You
10 said there were no funds spent by MO POW 4, and so
11 we can just close that off.

12 So we're just talking about MO POW 3.
13 And with MO POW 3, you said that around \$2 million
14 was used for purposes under the first and second --
15 or at least the first contract between MO POW 3 and
16 Crypto Infiniti; is that correct?

17 A That is correct. I don't remember the
18 exact number, Tyler.

19 Q And that's okay.

20 A But it is around \$2 million. I believe
21 it's over -- that was spent directly for site
22 development.

23 Q Okay. And then you said the remaining
24 balance, which would add up to 2 million and some
25 change, went to, I think you said, general

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1 corporate services. I can't remember the specific
2 term. Can you opine on that again?

3 A It was spent -- it was not spent on the
4 development of the site.

5 Q Okay. So just to clarify, and this is as
6 far as I'm going to go, the remainder balance of
7 those funds was used for other purposes not related
8 to the first contract between MO POW 3 and Crypto
9 Infiniti?

10 A Correct.

11 MR. GARRETT: All right. Well, that's as
12 far as I can go, and so with that, I don't have any
13 more questions. I really do appreciate your time,
14 Mr. Guel. It was really nice meeting you.

15 THE DEPONENT: Thank you.

16 MR. GARRETT: Getting to speak with you
17 brings back a lot of good memories from Chicago.

18 THE DEPONENT: Where were you from?

19 MR. GARRETT: I'm from Cheyenne actually.
20 I'm from here. I spent a number of years in law
21 school and then with a large firm out there between
22 2003 and 2009.

23 THE DEPONENT: Were you in Chicago proper
24 or were --

25 MR. GARRETT: We started out in kind of

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1 I, THOMAS GUEL, do hereby certify that I
2 have read the foregoing transcript and that the
3 same and accompanying amendment sheets, if any,
4 constitute a true and complete record of my
5 testimony.

6

7

8

9

Signature of Deponent

10

11

() No amendments

12

() Amendments attached

13

14

Acknowledged before me this _____

15

day of _____, 2023.

16

17

Notary Public: _____

18

My commission expires _____

19

Seal:

20

21 LAD

22

23

24

25

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1 STATE OF COLORADO)
2) ss. REPORTER'S CERTIFICATE
3 COUNTY OF DENVER)
4

5 I, Lisa A. Dague, do hereby certify that
6 I am a Certified Shorthand Reporter and Notary
7 Public within the State of Colorado; that previous
8 to the commencement of the examination, the
9 deponent was duly sworn to testify to the truth.

10 I further certify that this deposition
11 was taken in shorthand by me at the time and place
12 herein set forth and was thereafter reduced to
13 typewritten form, and that the foregoing
14 constitutes a true and correct transcript.

15 I further certify that I am not related
16 to, employed by, nor of counsel for any of the
17 parties or attorneys herein, nor otherwise
18 interested in the result of the within action.

19 In witness whereof, I have affixed my
20 signature this 28th day of November, 2023.

21 My commission expires December 23, 2024.

22
23
24
25


Lisa A. Dague
Certified Shorthand Reporter

AB Litigation Services

1 AB LITIGATION SERVICES
216 - 16th Street, Suite 600
2 Denver, Colorado 80202

3 November 28, 2023

4 Jeffrey S. Pope, Esq.
2515 Warren Avenue, Suite 450
5 Cheyenne, Wyoming 82001

6 Re: 30(b)(6) DEPOSITION OF MO POW 3, LLC, AND MO POW 4,
7 LLC, BY THOMAS GUEL, AND THOMAS GUEL, INDIVIDUALLY
8 MO POW 3, LLC AND MO POW 4, LLC
v. CRYPTO INFINITI, LLC
Civil Action No. 1:22-CV-00155-KHR

9 The aforementioned deposition is ready for
10 reading and signing. Please attend to this
11 matter by following BOTH of the items indicated
12 below:

13 _____ Call 303-296-0017 and arrange with us
14 to read and sign the deposition in our
15 office

16 XXX Have the deponent read your copy and sign
17 the signature page and amendment sheets, if
18 applicable; the signature page is attached

19 _____ Read the enclosed copy of the deposition
20 and sign the signature page and amendment
21 sheets, if applicable; the signature page
22 is attached

23 XXX WITHIN 30 DAYS OF THE DATE OF THIS LETTER

24 _____ By _____ due to a trial date of _____

25 Please be sure the original signature page and
amendment sheets, if any, are SIGNED BEFORE A
NOTARY PUBLIC and returned to AB Litigation Services
for filing with the original deposition. A copy
of these changes should also be forwarded to
counsel of record. Thank you.

AB LITIGATION SERVICES

cc: All Counsel

AB Litigation Services

1 AB LITIGATION SERVICES
216 - 16th Street, Suite 600
2 Denver, Colorado 80202

3

4

5 30(b)(6) DEPOSITION OF MO POW 3, LLC, AND MO POW 4,
LLC, BY THOMAS GUEL, AND THOMAS GUEL, INDIVIDUALLY
6 November 15, 2023
MO POW 3, LLC AND MO POW 4, LLC
7 v. CRYPTO INFINITI, LLC
Civil Action No. 1:22-CV-00155-KHR

8

9 The original deposition was filed with
10 Tyler J. Garrett, Esq. on approximately
11 the 28th day of November, 2023.

12 _____ Signature waived

13 _____ Signature not requested

14 _____ Unsigned; signed signature page and
amendment sheets, if any, to be filed at
15 trial

16 XXX Unsigned; original amendment sheets and/or
signature pages should be forwarded to
17 AB Litigation Services to be filed in the
envelope attached to the sealed original

18

19

Thank you.

20

AB LITIGATION SERVICES

21

cc: All Counsel

22

23

24

25